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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,787	06/08/2000	John Buckle	0007056-0017/P4811/RSH	1504
32658	7590	01/22/2004	EXAMINER	
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEEN ST. DENVER, CO 80202			HENEGHAN, MATTHEW E	
			ART UNIT	PAPER NUMBER
			2134	10
DATE MAILED: 01/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/589,787

Applicant(s)

BUCKLE, JOHN

Examiner

Matthew Heneghan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-21 have been examined. Claims 1, 8, and 15 have been amended in response to the first office action.

Drawings

2. The drawings were received on 16 December 2003. These drawings are acceptable.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "safely" in claims 1, 8, and 15 is a relative term which renders the claim indefinite. The term "safely" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For purposes of the

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prior art search in this office action, it is being presumed that a password is stored "safely" if it is only on a server.

All other claims depend from rejected claims 1, 8, and 15 and include all the limitations of those claims, thereby rendering those dependent claims indefinite.

Claim Rejections - 35 USC § 103

4. In view of applicant's amendments to the instant application in response to the first office action, the previous rejection under 35 U.S.C. 103(a) has been replaced.

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,125,352 to Franklin in view of U.S. Patent No. 1,657,411 to Scherbius further in view of U.S. Patent No. 5,884,312 to Dustan et al.

The network commerce system disclosed by *Franklin* includes a module for entering passwords for the purpose of generating an encryption key for credit cards, debit cards, etc.

As per claims 1, 8, and 15, the system disclosed by *Franklin* has a password entered twice. No mention is made, however, about how they would be displayed in the document, and no suggestion is made that the original text of the password should be storing on a server, rather than on client computers. (see column 25, lines 2-9)

As per claims 2, 9, and 16, a decision is made depending upon whether or not the password has changed.

As per claims 3, 10, and 17, the document is written in HTML (see abstract).

As per claims 4, 11, and 18, Franklin specifies that there are fields.

As per claims 5, 12, and 19, since data is being entered into the fields, they must be maintained.

As per claims 7, 14, and 21, the passwords are transformed into encryption keys when it is determined that they match.

Scherbius discloses a cipher machine that outputs characters that are changed from characters input from the keyboard into the machine (see page 2, lines 122-126).

As per claims 6, 13, and 20, the length of the output is the same as that of the input, as characters are generated on a one-for-one basis (see page 2, lines 122-126), and a counter is provided to verify the transmission length (see page 3, lines 33-40).

Scherbius further suggests that this is to cipher clear text (see page 1, lines 1-7) and to ensure that characters have not been lost in transmission (see page 1, lines 20-26).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the algorithm of the machine of *Scherbius* to display password characters to be enciphered by the system disclosed by *Franklin*, in order to ensure that no characters are lost.

Dustan discloses a method for securely accessing information wherein the original text of the password is stored only on a database server, and the authentication information for a user is checked against the stored password in the database server (see column 8, line 55 to column 9, line 17). Dustan further suggests that an

unauthenticated security system allows access to one of the disparate data sources by anyone having access to a web server and may allow one user to break into another's session (see column 2, lines 25-31).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system disclosed by Franklin by storing passwords on a database server, as disclosed by Dustan, in order to prevent a user from breaking into another's session.

Response to Arguments

6. Applicant's arguments, see Paper No. 9, filed 16 December 2003, with respect to the rejection of claims 1-21 under 35 U.S.C. 103(a) have been fully considered and are persuasive, due to the additional limitations introduced in the amendments of claims 1, 8, and 15. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 6,125,352 to Franklin in view of U.S. Patent No. 1,657,411 to Scherbius further in view of U.S. Patent No. 5,884,312 to Dustan et al., as detailed above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan whose telephone number is (703) 305-7727. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 4:00 PM Eastern Time. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

Or faxed to:

(703) 872-9306

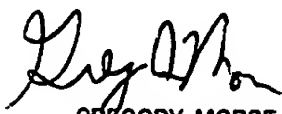
Hand-delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MEH

January 14, 2004


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100